

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 19-28 and 41-45 have been amended. Claims 1-18, 29-40, 46-58 have been cancelled, without prejudice. New claims 59-76 have been added. Therefore, claims 19-28, 41-45, 59-76 are now presented for examination.

Double Patenting Rejection

Claims 19-28, 32-49 and 53-58 stand rejected under the judicially created doctrine of double patenting as being unpatentable over prior Hess et al., U.S. Patent No. 6,058,417 (“Hess Pat 417”).

Claims 19-28, 32-49 and 53-58 stand rejected under the judicially created doctrine of double patenting as being unpatentable over prior Hess et al., U.S. Patent No. 6,415,320 (“Hess Pat 320”).

Claims 19-28, 32-49 and 53-58 stand provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over prior U.S. Patent Application Serial No. 09/436,566 (“Hess App 566”).

Applicants herein submit a terminal disclaimer, in compliance with 37 C.F.R. § 1.321, to overcome the actual and provisional double patenting rejections of claims 19-28, 32-49 and 53-58. Accordingly, Applicants respectfully request the rejections of the claims be withdrawn.

35 U.S.C. §103(a) Rejection

Claims 19-28, 32-49 and 53-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kernz, U.S. Patent No. 6,366,899 (“Kernz”) in view of Odom, et al., U.S. Patent No. 6,058,379 (“Odom”).

Kernz, does not teach or reasonably suggest creating thumbnail images based on images retrieved from a plurality of sites, wherein the retrieving of the images is performed utilizing information including specified locations of the plurality of sites, as recited by claim 19. At best, Kernz discloses allowing “the user [to] *select a coin for view*” from a *pre-compiled* “Coin Image Compilation” consisting of “a list of coins, description, grade, and price . . . [and] may additionally include thumbnails of each of the coins” (col. 8, lines 36-43; emphasis provided).

Odom, on the other hand, discloses “*classification and categorization of items . . . to enable various search techniques*” (col. 2, lines 49-51; see col. 6, lines 7-8; emphasis provided). Furthermore, Odom discloses extracting “*information from [a] remote web page . . . [t]he information that is required to be extracted is information that is sufficient to allow for an exchange to take place*” (claim 6. col. 9, lines 18-29; emphasis provided). However, Odom’s extraction of information is not the same as creating thumbnail images based on images retrieved from a plurality of sites, wherein the retrieving of the images is performed utilizing information including specified locations of the plurality of sites, as recited by claim 19.

In contrast, claim 19, as amended, in pertinent part, recites, “retrieving thumbnail images associated with items for sale, the thumbnail images created based on images retrieved from a plurality of sites, wherein the retrieving of the images being performed

utilizing information including specified locations of the plurality of sites” (emphasis provided). Neither Kernz nor Odom, individually or when combined, teach or reasonably suggest creating thumbnail images based on images retrieved from a plurality of sites and retrieving of the images as recited by claim 6. Odom adds nothing relevant to Kernz and fails to cure the deficiencies of Kernz at least with regard to claim 19.

Accordingly, for at least the reasons set forth above, Applicants respectfully request the rejection of claim 19 and its dependent claims be withdrawn.

With regard to independent claims 23, 26 and 41, they contain limitations similar to those of claim 19. Accordingly, Applicants respectfully request the rejection of claims 23, 26 and 41, and their dependent claims, be withdrawn.

With regard to new independent claims 61 and 66, they contain limitations similar to those of claim 19. Accordingly, Applicants submit that claims 61 and 66, and their dependent claims, are distinguished over the cited references.

Conclusion

Applicants submit the claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the application be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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